

2013 No. 340

CUSTOMS

The Export Control (Iran Sanctions) (Amendment) Order 2013

Made - - - - 16th February 2013

Laid before Parliament 19th February 2013

Coming into force - - 12th March 2013

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the interruption or reduction, in part or completely, of economic relations with one or more countries which are not Member States.

It appears to the Secretary of State that it is expedient for the references to an Annex to Council Regulation (EU) No 267/2012(c) to be construed as references to that Annex as amended from time to time.

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by sections 1, 2, 3, 4, 5 and 7 of the Export Control Act 2002(d), makes the following Order.

Citation and Commencement

1. This Order may be cited as the Export Control (Iran Sanctions) (Amendment) Order 2013 and comes into force on 12th March 2013.

Amendment to the Export Control (Iran Sanctions) Order 2012

2.—(1) The Export Control (Iran Sanctions) Order 2012(e) is amended as follows.

(2) In article 2(1), for the definition of “the Iran Sanctions Regulation” substitute—

“the Iran Sanctions Regulation” means Council Regulation (EU) 267/2012 as last amended by Council Regulation (EU) No 1263/2012(f) concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010(g), and a reference to an Annex to that Regulation is to be construed as a reference to that Annex as amended from time to time.”.

(3) For article 6 substitute—

(a) S.I.1994/757, to which there are amendments not relevant to this Order.
(b) 1972 c. 68, to which there are amendments not relevant to this Order.
(c) OJ No L 88, 24.3.2012, p1. The Regulation was last amended by Council Regulation (EU) No 1263/2012.
(d) 2002 c.28.
(e) S.I. 2012/1243.
(f) OJ No L 356, 22.12.2012, p34.
(g) OJ No L 281, 27.10.2010, p1.

“Offences related to key equipment or technology listed in Annex VI or VIA

6. A person who is knowingly concerned in an activity, other than the export of goods, prohibited by any of the following Articles of the Iran Sanctions Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

- (a) Article 8(1) (prohibition on sale, etc. of equipment and technology listed in Annex VI or VIA to any Iranian person, entity or body or for use in Iran);
- (b) Article 9(a) (prohibition on provision of technical assistance or brokering services related to equipment and technology listed in Annex VI or VIA, etc. to any Iranian person, entity or body or for use in Iran);
- (c) Article 9(b) (prohibition on provision of financing or financial assistance related to equipment and technology listed in Annex VI or VIA to any Iranian person, entity or body or for use in Iran).”.

(4) After article 6 insert—

“Offences related to key naval equipment or technology or software listed in Annex VIB or VIIA

6A. A person who is knowingly concerned in an activity, other than the export of goods, prohibited by any of the following Articles of the Iran Sanctions Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

- (a) Article 10a(1) (prohibition on sale, etc. of key naval equipment or technology listed in Annex VIB to any Iranian person, entity or body or for use in Iran);
- (b) Article 10b(1)(a) (prohibition on provision of technical assistance or brokering services related to the key equipment and technology listed in Annex VIB, etc. to any Iranian person, entity or body or for use in Iran);
- (c) Article 10b(1)(b) (prohibition on provision of financing or financial assistance related to the key equipment and technology listed in Annex VIB to any Iranian person, entity or body or for use in Iran);
- (d) Article 10d(1) (prohibition on sale, etc. of key naval equipment or technology listed in Annex VIB to any Iranian person, entity or body or for use in Iran);
- (e) Article 10e(1)(a) (prohibition on provision of technical assistance or brokering services related to the software listed in Annex VIIA, etc. to any Iranian person, entity or body or for use in Iran);
- (f) Article 10e(1)(b) (prohibition on provision of financing or financial assistance related to the software listed in Annex VIIA to any Iranian person, entity or body or for use in Iran).”.

(5) After article 8 insert—

“Offences related to natural gas products listed in Annex IVA

8A. A person who is knowingly concerned in an activity, other than the import of goods, prohibited by any of the following Articles of the Iran Sanctions Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

- (a) Article 14a(1)(a) (prohibition on purchase, transport, etc. into the Union natural gas which originates in Iran or has been exported from Iran);
- (b) Article 14a(1)(b) (prohibition on swapping natural gas which originates in Iran or has been exported from Iran);
- (c) Article 14a(1)(c) (prohibition on provision of brokering services, financing or financial assistance, etc. related to the activities specified in Articles 14a(1)(a) and (b)).”.

(6) After article 9 insert—

“Offences related to products listed in Annex VIIB

9A. A person who is knowingly concerned in an activity, other than the export of goods, prohibited by any of the following Articles of the Iran Sanctions Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

- (a) Article 15a(1) (prohibition on sale, supply, transfer, etc. of graphite and raw or semi-finished metals as listed in Annex VIIB, directly or indirectly, to any Iranian person, entity or body, or for use in Iran);
- (b) Article 15b(1)(a) (prohibition on the provision of technical assistance or brokering services related to goods as listed in Annex VIIB, etc. to any Iranian person, entity or body, or for use in Iran);
- (c) Article 15b(1)(b) (prohibition on the provision of financing or financial assistance related to the goods listed in Annex VIIB, to any Iranian person, entity or body, or for use in Iran).”.

(7) In article 15—

- (a) in paragraph (1)(a), for “8(1), 15(1)(a)” substitute “8(1), 10a, 10d, 15(1)(a), 15a”; and
- (b) in paragraph (2)(a), for “11, 13, 15(1)(b) or (c)” substitute “10b, 10e, 11, 13, 14a, 15(1)(b) or (c), 15b”.

(8) In article 18—

- (a) in paragraph (1), for “9(a)” substitute “6A(a) or (d), 9(a), 9A(a)”;
- (b) in paragraph (3), for “7, 8, 9(b) or (c)” substitute “6A(b), (c), (e) or (f), 7, 8, 8A, 9(b) or (c), 9A(b) or (c)”;
- (c) in paragraph (4), for “15(1)(a)” substitute “10a(1), 10d(1), 15(1)(a), 15a(1)”;
- (d) in paragraph (5), after “13(1)(a)” insert “, 14a(1)(a)”.

Michael Fallon

Minister of State for Business and Enterprise
Department for Business, Innovation and Skills

16th February 2013

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the enforcement of new trade sanctions against Iran specified in Council Regulation (EU) No 1263/2012 (OJ No L 356, 22.12.2012, p34), which amends Regulation (EU) No 267/2012 concerning restrictive measures against Iran (the “Amending Iran Regulation”). It does so by amending the Export Control (Iran Sanctions) Order 2012 (SI 2012/1243) which makes provision for the enforcement of most of the current trade restrictions against Iran (the “Iran Order”).

The new measures include prohibitions on trade, technical assistance, financing, financial assistance or brokering on key naval equipment and technology, software for integrating industrial processes, graphite and certain specified raw or semi-finished metals and a ban on the trade of natural gas originating in Iran.

Article 2 amends the Iran Order to make provision for offences and penalties for contravention of most of the additional trade sanctions specified by the Amending Iran Regulation. There are already enforcement provisions in relation to the new prohibitions on the importation and exportation of goods in sections 50, 68 and 170 of the Customs and Excise Management Act 1979 (1979 c. 2).

A regulatory impact assessment has not been produced for this instrument as it has no or minimal impact on business, charities or voluntary bodies. A copy of the Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk. Further information is available from the Export Control Organisation, BIS, 1 Victoria Street, London SW1H 0ET and on BIS website (www.bis.gov.uk).

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